

12:56:31 1 the question, mischaracterizing prior
12:56:37 2 testimony. You may respond to that
12:56:39 3 question that you were just asked.

12:56:49 4 THE WITNESS: Now, like a year ago.

12:57:05 5 Q. Carlos, why do you use a cane?

12:57:14 6 MR. LEON: Objection, asked and
12:57:18 7 answered. You may respond to that
12:57:19 8 question again.

12:57:22 9 THE WITNESS: For my balance.

12:57:41 10 Q. Do you have issues with your
12:57:45 11 balance?

12:57:53 12 MR. LEON: You may respond.

12:57:55 13 THE WITNESS: Yes. A little.

12:57:56 14 Q. What issues do you have?

12:58:10 15 MR. LEON: Objection to the form of
12:58:11 16 the question. You may respond.

12:58:15 17 THE WITNESS: I don't have much
12:58:23 18 balance.

12:58:23 19 Q. And how long have you been like
12:58:40 20 that?

12:58:44 21 MR. LEON: Objection to the form of
12:58:46 22 that question. You may respond,
12:58:51 23 Mr. Chinchu.

12:58:53 24 THE WITNESS: One year.

12:58:55 25 Q. Have you ever undergone any

12:59:05 1 surgeries?

12:59:09 2 MR. LEON: Objection to the form of

12:59:10 3 the question. You may respond.

12:59:27 4 THE WITNESS: Yes.

12:59:27 5 Q. What surgeries?

12:59:31 6 MR. LEON: Same objection to this

12:59:33 7 line of questions. Objection to the

12:59:35 8 form. You may respond. And I'm sorry.

12:59:43 9 Also objection, relevance. You may

12:59:45 10 respond.

13:00:01 11 THE WITNESS: On my eye, glaucoma.

13:00:10 12 Q. When?

13:00:12 13 MR. LEON: Objection to the form of

13:00:13 14 that question. You may respond to that

13:00:16 15 question.

13:00:22 16 THE WITNESS: April 2015.

13:00:27 17 Q. So, you received the surgery in

13:00:38 18 April of 2015?

13:00:48 19 MR. LEON: Objection to the form of

13:00:50 20 that question. You may respond.

13:00:52 21 THE WITNESS: Yes. April 2015.

13:01:04 22 Q. Before April of 2015 were you

13:01:08 23 receiving any treatment for your glaucoma?

13:01:19 24 MR. LEON: Objection to the form of

13:01:20 25 the question. You may respond to that

13:11:30 1 THE WITNESS: Yes. I had another
13:11:43 2 surgery.

13:11:44 3 Q. What surgery?

13:11:53 4 MR. LEON: You may respond.

13:11:55 5 THE WITNESS: They gave me a
13:12:04 6 pacemaker.

13:12:05 7 Q. When did you receive that surgery?

13:12:13 8 MR. LEON: Objection to the form of
13:12:13 9 the question. You may respond.

13:12:19 10 THE WITNESS: May 2015.

13:12:27 11 Q. Were you also treated at Jamaica
13:12:27 12 Hospital Medical Center?

13:12:40 13 MR. LEON: Objection to the form of
13:12:41 14 that question. You may respond to that
13:12:44 15 question that Counsel just asked.

13:12:56 16 THE WITNESS: Yes.

13:12:57 17 Q. And why did you receive that
13:13:01 18 surgery?

13:13:02 19 MR. LEON: Objection to the form of
13:13:04 20 the question. You may respond.

13:13:13 21 THE WITNESS: Because I was not able
13:13:23 22 to walk.

13:13:24 23 Q. Prior to getting the surgery, how
13:13:42 24 long were you unable to walk for?

13:13:51 25 MR. LEON: Objection to the form of

Carlos Chinchula

April 23, 2020

84

13:13:52 1 that question. Ambiguous. You may
13:13:56 2 respond if you understand it.

13:13:58 3 THE WITNESS: One day.

13:14:08 4 Q. Can you describe to me what
13:14:18 5 happened?

13:14:18 6 MR. LEON: Objection to the form of
13:14:20 7 that ambiguous question. You may respond
13:14:23 8 to that ambiguous question.

13:14:26 9 THE WITNESS: I fainted and I got
13:14:46 10 his care. When I wanted to get up I
13:15:01 11 couldn't lift my legs.

13:15:14 12 Q. Besides the eye surgery and besides
13:15:17 13 the pacemaker surgery, did you receive any
13:15:21 14 other medical treatment in 2015?

13:16:02 15 MR. LEON: Objection to the form of
13:16:03 16 the question. You may respond to that
13:16:06 17 question.

13:16:07 18 THE WITNESS: No.

13:16:15 19 MR. LEON: Before you go on, it's
13:16:16 20 now 1:16. When we resumed we had agreed
13:16:17 21 to take a lunch break at 1:15, so I just
13:16:17 22 wanted to bring that up again.

13:16:17 23 MR. MIZRAHI: Would you like to take
13:16:17 24 that break now?

13:16:36 25 MR. LEON: Yeah, since it's 1:16.

14:02:15 1 the question. It's ambiguous. You may
14:02:17 2 respond to that question if you
14:02:19 3 understand it.

14:02:20 4 THE WITNESS: Can you repeat the
14:02:30 5 question, please?

14:02:30 6 Q. Carlos, after you received the eye
14:02:33 7 surgery in April of 2015, were you able to
14:02:35 8 stand for long periods of time?

14:02:45 9 MR. LEON: Objection to the form of
14:02:46 10 the question. It's ambiguous. You may
14:02:49 11 respond to that question if you
14:02:51 12 understand it.

14:02:52 13 THE WITNESS: Yes.

14:03:00 14 Q. Carlos, did the surgery that you
14:03:20 15 received in May 2015 negatively impact your
14:03:26 16 ability to engage in physical activities?

14:03:37 17 MR. LEON: Objection to the form of
14:03:39 18 that question, compound and ambiguous.
14:03:44 19 You may respond to the extent that you
14:03:47 20 understand that question.

14:03:48 21 THE WITNESS: Can you repeat the
14:04:04 22 question?

14:04:04 23 Q. Did the surgery that you received in
14:04:08 24 May 2015 negatively impact your ability to
14:04:12 25 engage in physical activity?

14:04:15 1 MR. LEON: Objection to the form of
14:04:21 2 that question. It's more ambiguous than
14:04:25 3 the previously withdrawn question. You
14:04:28 4 may respond to that question,
14:04:30 5 Mr. Chinchu.

14:04:31 6 THE WITNESS: No.

14:04:54 7 Q. Do you currently engage in any
14:04:58 8 physical activities?

14:04:59 9 MR. LEON: Objection to the form of
14:05:00 10 that question. Super confusing. You may
14:05:04 11 respond.

14:05:05 12 THE WITNESS: I go walking.

14:05:18 13 Q. Do you engage in any other physical
14:05:22 14 activities?

14:05:23 15 MR. LEON: Objection to the form of
14:05:25 16 that question. Confusing, ambiguous.
14:05:29 17 You may respond.

14:05:31 18 THE WITNESS: No.

14:05:36 19 Q. Are you able to engage in any other
14:05:45 20 physical activities besides walking?

14:05:51 21 MR. LEON: Objection to the form of
14:05:52 22 that question. Confusing, ambiguous and
14:05:56 23 also highly irrelevant. You may respond
14:05:58 24 to this question and this line of
14:06:02 25 questions one last time.

14:06:14 1 And just to clarify, like I said,
14:06:16 2 the last part, that he's going to answer
14:06:18 3 this line of questions one last time.

14:06:26 4 THE WITNESS: No.

14:06:26 5 Q. Earlier today, Carlos, you testified
14:06:46 6 that you get tired frequently; is that correct?

14:06:52 7 MR. LEON: Objection to the form of
14:06:57 8 that question and to the extent that it
14:07:01 9 mistakenly recounts prior testimony. You
14:07:05 10 may respond.

14:07:22 11 THE WITNESS: Now, recently, not
14:07:24 12 before.

14:07:26 13 Q. Do you need to rest during the day
14:07:30 14 because of your health problems?

14:07:31 15 MR. LEON: Objection to the form of
14:07:33 16 the question to the extent that it
14:07:36 17 assumes evidence and testimony not
14:07:38 18 previously acknowledged or admitted in
14:07:42 19 this action. You may respond.

14:07:44 20 THE WITNESS: Can you repeat the
14:07:56 21 question?

14:07:57 22 Q. Do you need to rest during the day
14:08:00 23 because of your health problems?

14:08:02 24 MR. LEON: Objection to the form of
14:08:05 25 the question and to the extent that it

14:08:08 1 misconstrues prior testimony or assumes
14:08:11 2 prior evidence and testimony that has not
14:08:14 3 been admitted into this action or this
14:08:16 4 deposition. Subject to those objections,
14:08:18 5 you may respond.

14:08:33 6 THE WITNESS: No.

14:08:33 7 Q. Did you have to rest during the day
14:08:44 8 because of the health problems that you've
14:08:47 9 previously described in 2015?

14:08:56 10 MR. LEON: Objection to the form of
14:08:57 11 the question. Confusing, lacks scope --
14:09:02 12 limited scope or clear scope. You may
14:09:06 13 respond.

14:09:07 14 THE WITNESS: Yes.

14:09:17 15 Q. And how long did you rest during the
14:09:23 16 day in 2015?

14:09:32 17 MR. LEON: Objection to the form, to
14:09:33 18 the extent that it assumes facts in
14:09:37 19 evidence not previously admitted, to the
14:09:40 20 extent that it is confusing and
14:09:43 21 misleading. You may respond if you
14:09:46 22 understand the question.

14:10:02 23 THE WITNESS: Could you repeat the
14:10:05 24 question?

14:10:06 25 Q. How long did you rest during the day

14:11:00 1 we're done, a clear question's asked --

14:11:03 2 I'm sorry. Did you just mute me?

14:11:07 3 Did you just mute me? Jason, did you
4 just mute me?

5 Madam Court Reporter, can you hear
6 me?

7 THE REPORTER: Yes, I can.

8 MR. LEON: Okay. Because, I just
9 saw "Muted by the host," so I'm not sure,
14:11:14 10 Jason, if you have access and you're
14:11:15 11 muting me. Because, if that's what
14:11:17 12 you're doing, then we're not going to
14:11:19 13 continue this until you stop doing that.

14:11:22 14 So, Jason, were you muting me?

14:11:22 15 Jason, were you muting me?

14:11:25 16 MR. MIZRAHI: No. I wasn't muting
14:11:25 17 you.

14:11:25 18 MR. LEON: Okay. Madam Court
14:11:29 19 Reporter and Mr. Translator and my
14:11:31 20 client, if at any point in time I'm
14:11:33 21 talking and it seems like I went mute,
14:11:36 22 please let me know so we can leave a
14:11:39 23 clear record.

14:11:47 24 So, what I was saying before is,
14:11:48 25 Mr. Mizrahi, you asked a question, I

April 23, 2020

102

14:18:54 1 break.

14:19:02 2 THE INTERPRETER: How long is the

3 break?

4 MR. MIZRAHI: We'll take a

5 two-minute.

6 MR. LEON: No, I'm sorry. I'm

7 sorry. You're not going to dictate how

14:19:02 8 long I'm going to use the bathroom for.

14:19:04 9 MR. MIZRAHI: We're going to take --

14:19:04 10 MR. LEON: No, no. Jason, you're

14:19:04 11 not going to dictate how long I'm going

14:19:04 12 to use the bathroom for. So, I'm taking

14:19:04 13 a bathroom break. I hope you can respect

14:19:13 14 biological necessities. Please. Please.

14:19:14 15 I'm going to take a five- to

14:19:17 16 ten-minute break and I'm going to ask my

17 client -- I'm going to ask my client --

18 I'm going to ask my client -- I'm going

19 to ask my client -- I'm going to ask my

20 client -- stop interrupting. Stop

21 interrupting. Stop interrupting. I'm

22 going to ask my client to turn off the

23 video --

24 THE INTERPRETER: I can't hear

25 anymore.

MR. MIZRAHI: He needs to go to the

2 bathroom. I'm not going to waste time

3 with him explaining --

4 THE INTERPRETER: The Witness cannot

5 hear us.

14:19:52 6 MR. LEON: Okay. I want this to be

14:19:52 7 translated, as well.

14:19:54 8 Jason, you've done this now three

14:19:56 9 times and I'm calling you out on it, that

14:19:58 10 when I've been talking on the record you

14:20:01 11 have abused the Zoom host -- now you're

14:20:03 12 walking out. I'm going to put this

14:20:05 13 statement on the record.

14:20:07 14 You have muted me when I've been

14:20:10 15 talking in order to stop me from making

14:20:13 16 statements on the record. You do that

14:20:15 17 again and this deposition will not

14:20:18 18 continue, Jason.

14:20:19 19 Do you understand me? I'm talking

14:20:28 20 to you. Because, you don't get to do

14:20:30 21 that. You don't get to shut my mic off

14:20:34 22 when I'm making a statement on the record

14:20:34 23 on behalf of my client.

14:20:40 24 How many more legally inappropriate

14:20:42 25 things can you do in this deposition?

Carlos Pincha
April 23, 2020

104

14:20:43 1 You've already been told by the federal
14:20:44 2 court judge to stop asking inappropriate
14:20:47 3 questions. Now you're cutting off my
14:20:47 4 mic?

14:20:47 5 MR. MIZRAHI: Yeah.

14:20:47 6 MR. LEON: No. You don't get to do
14:20:47 7 that.

14:20:49 8 MR. MIZRAHI: You're wasting
14:20:50 9 everyone's time, so I'm cutting off your
14:20:42 10 mic.

11 MR. LEON: No, no.

12 MR. MIZRAHI: We're taking five
13 minutes.

14 MR. LEON: No, no. So, you admit
15 that you cut my mic off? You admit that
16 you cut my mic off?

17 MR. MIZRAHI: We'll come back in
18 five minutes.

19 MR. LEON: Have you admitted -- do
20 you admit that you cut my mic off
21 repeatedly now, at least two to three
22 times? Do you admit it?

14:21:00 23 Okay. You do that again,
14:21:05 24 deposition's over and you get to make an
14:21:07 25 application to the Judge. And you walked

1 away -- I'm still talking on the record,
2 the court reporter can get this.

3 You do not get to cut my mic. You
4 do that again, I can't trust that the
5 transcript is accurate and no fault of
6 the court reporter, the translator or my
7 client.

8 You do that again -- and just to
9 clarify, Mr. Mizrahi has walked away.
10 He's probably just a couple feet away
11 from the camera, can hear me. If he does
12 that again this deposition's over,
13 because I'm not going to allow that to
14 happen. It's inappropriate and if you do
15 it again I will request monetary
16 sanctions against you and your firm.

17 Hello, Mr. Mizrahi. You returned as
18 soon as that was done being translated,
19 so I'm going to assume you heard all
20 that. Thank you. We're going to be
21 taking that break now.

22 Mr. Chinchu, please have your
23 daughter cut off the mic and the video
24 while we take that break to stop Counsel
25 from engaging in anything that might be

April 23, 2020

106

1 appropriate. I am now exiting.

2 MR. MIZRAHI: Before we go off the
3 record I'd just like to make a point that
4 Counsel cannot use --

5 MR. LEON: We're off the record?
6 We're off the record?

7 THE REPORTER: No. We're not off
8 yet.

9 MR. LEON: Oh, okay. So,
10 Mr. Chinch, please have your daughter
11 cut your video and your mic so that
12 Counsel can have a conversation on the
13 record.

14 Okay. All right. We're back on the
15 record. So, my client is not on this
16 call right now or this part of the Zoom
17 deposition.

18 What were you saying, Jason?

19 MR. MIZRAHI: I would like to make a
20 quick statement before we break.

21 MR. LEON: I'm listening.

22 MR. MIZRAHI: I'd like to make a
23 statement for the record that counsel is
24 prohibited from engaging in any ex parte
25 conversations or consultations with his